

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

I.K. : CIVIL ACTION  
BY AND THROUGH HIS PARENT :  
AND EDUCATIONAL DECISION :  
MAKER, B.K. :  
v. :  
THE SCHOOL DISTRICT OF :  
HAVERFORD TOWNSHIP : NO. 10-4397

ORDER

AND NOW, this 21st day of March, 2011, upon  
consideration of defendant's motion to dismiss and motion for  
attorney's fees (docket entry # 5), plaintiff's response (docket  
entry # 6), and defendant's motion for leave to file a sur-reply  
brief (docket entry # 7), and in accordance with the foregoing  
Memorandum, it is hereby ORDERED that:

1. Defendant's motion to dismiss and for attorney's  
fees (docket entry # 5) is GRANTED for lack of subject matter  
jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), and DENIED  
with respect to the motion for attorney's fees;

2. Defendant's motion for leave to file a sur-reply  
brief (docket entry # 7) is GRANTED;

3. The Clerk of Court shall DOCKET defendant's sur-  
reply brief, which is attached to defendant's motion at the  
second page of its motion;

4. This case is REMANDED to Pennsylvania Special Education Hearing Officer Linda Valentini on the issue of whether a valid settlement agreement exists; and

5. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

\_\_\_\_\s\Stewart Dalzell